

Case 5:10-cv-02507-LHK

Petitioner BELINDA K ("Petitioner") and Respondent COUNTY OF ALAMEDA ("Respondents"), by and through their respective counsel of record, hereby submit this joint statement, pursuant to Local Rule 16-10 (d), with respect to the Further Case Management Conference set to be heard on March 31, 2011 at 1:30 p.m.

A. Procedural Status

At the Further Case Management Conference held on January 26, 2011, the Court set a trial and pretrial schedule for his matter as follows:

- Subsequent or Further Case Management Conference: March 31, 2011 at 1:30 p.m.;
- Dispositive motions to be filed by May 19, 2011;
- Final Pretrial Conference: July 27, 2011 at 2:00 p.m.;
- Jury Selection set for August 29, 2011 at 9:00 a.m.;
- Jury Trial on August 29, 2011 at 9:00 a.m.

B. Progress or Changes Since the Last Statement Was Filed

Following the January 26, 2011 Further Case Management Conference, there have been the following motions and discovery activities:

-- On January 27, 2011, Petitioner filed a motion to quash certain subpoenas for medical records issued on behalf of the Respondent directed to Petitioner's medical providers; that motion was opposed by Respondent and is currently under submission following a hearing before Magistrate Grewal on March 15, 2011.

-- On February 7, 2011, a third party filed a motion to quash certain subpoenas for medical records issued on behalf of the Respondent directed to that third party's medical providers; that motion was not opposed by Respondent and was granted on March 11, 2011. The moving party's motion for a protective order and for sanctions against the Respondent is currently under submission following a hearing before Magistrate Grewal on March 15, 2011.

-- On February 10, 2011, Petitioner filed a Statement of Non-Opposition to Respondent's Motion to Strike the Jury Demand in the Petition.

-- On February 24, 2011, Petitioner filed a Motion for Leave to Amend the Petition, which is opposed by Respondent and is set for hearing on March 31, 2011.

1 -- On March 2, 2011, Respondent began the deposition of Petitioner; this deposition has
2 not yet concluded.

3 On January 26, 2011, the Court referred the minor, J.H., to the Federal *Pro Bono* Project
4 to obtain independent counsel. To the best of the parties' knowledge, such counsel has not been
5 appointed.

6 Petitioner, acting in *pro per*, has filed two related cases: CV11-1013-SBA (recently
7 removed from Alameda County Superior Court) and CV10-05797-LHK (currently pending
8 before this Court). Respondent has filed motions to dismiss each complaint, set to be heard on
9 May 10 and May 19, 2011, respectively.

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11 **C. Proposals for Remainder of Case Development Process**

12 The parties jointly propose that the Court's Order setting this matter for a jury trial be
13 converted to an Order setting the matter for a non-jury trial.

14 With respect to the pending motion for leave to file an amended petition, Petitioner
15 would propose that, if the motion is granted, the Respondent be required to file a responsive
16 pleading, motion or other form of response on or before May 2, 2011.

17 **D. ADR**

18 Petitioner requests that this matter be referred to mediation reasonably promptly.

19 Respondent has already participated in an unsuccessful mediation, and does not believe
20 that a second mediation will resolve the dispute. Respondent is willing to participate in a
21 settlement conference before a magistrate judge.

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Dated: March 23, 2011

Respectfully submitted,
HOLLAND & KNIGHT, LLP

/s/ Matthew Vafidis
Matthew Vafidis
Attorneys for
Petitioner BELINDA K.

Dated: March 23, 2011

RICHARD E. WINNIE, County Counsel in and for
the County of Alameda, State of California

/s/ Mary Ellyn Gormley
By Mary Ellyn Gormley
Assistant County Counsel
Attorneys for Respondents